

MONTANA LEGISLATIVE HISTORY

Chapter 81 19 77

Bill H _____ S 116

Original bill & history X C

H. Committee on LOCAL GOV'T

Hearing Date(s) 2/23 X C

EXEC. ACTION

_____ C

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_____ C

Date Out _____ C

S. Committee on LOCAL GOV'T

Hearing Date(s) 1/21 X C

EXEC. ACTION

_____ C

_____ C

_____ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

Note: We do not have any exhibits to the House Committee hearings, but cannot verify that none exist. You may need to contact the Montana Historical Society for more information.

House Page No. 250, 251, 929, 940, 966, 1142, 1144, 1245.

- 109 Introduced by McCallum, Murphy, Blaylock, E. Smith: A bill for an act entitled: "An act amending Section 87-105, R.C.M. 1947, providing that unemployment benefits based upon service in a public school shall not be paid to any individual for any week of unemployment during the period between two successive academic years or two regular terms if such individual has a contract to perform services for any such public school for both such years or terms."

Senate Page No. 54

- 110 Introduced by Dover, Galt, Manley, E. Smith, Roskie, Devine, Flynn: A bill for an act entitled: "An act to encourage development in harmony with the natural environment and to repeal the requirement of a finding that subdivisions be in the public interest; amending Sections 11-3860 and 11-3866, R.C.M. 1947."

Senate Page No. 54, 127, 139, 166, 169, 192, 193, 681.

House Page No. 225, 227, 898, 903, 929.

- 111 Introduced by Mathers, Turnage: A bill for an act entitled: "An act to define the term "enhanced recovery"; to substitute the term "enhanced recovery" for the terms "pressure maintenance" and "secondary recovery"; and to provide for recovery of costs of an Enhanced Recovery Program initiated subsequent to a Secondary Recovery Program; amending Sections 60-126, 60-131.1, and 60-131.3, R.C.M. 1947."

Senate Page No. 59, 139, 166, 171, 185, 198, 816, 840, 848, 985, 986, 989, 1017, 1149.

House Page No. 225, 235, 1007, 1018, 1033, 1124, 1253, 1288, 1390.

- 112 Introduced by Mathers, Manning, (By Request of Department of Highways): A bill for an act entitled: "An act to repeal Sections 84-6301 through 84-6308, R.C.M. 1947, relating to the Importer's Tax on gasoline purchased outside the state and used in the state."

Senate Page No. 59, 117, 119, 133, 139, 163, 1141, 1214, 1219, 1271.

House Page No. 203, 205, 1195, 1329, 1347, 1468.

- 113 Introduced by Dover, E. Smith, Hager: A bill for an act entitled: "An act to amend Section 16-1032, R.C.M. 1947, to allow lease of county property for hospital purposes for longer than 5 years in certain circumstances."

Senate Page No. 59, 101, 114, 119, 136, 657, 791, 792, 797, 827, 885.

House Page No. 182, 184, 842, 879, 894, 1030, 1053, 1135.

- 114 Introduced by Dover, E. Smith, Kolstad: A bill for an act entitled:

the Gasoline License Tax; amending Section 84-1855, R.C.M. 1947."

Senate Page No. 59, 79, 108, 119, 133, 139, 114, 974.

House Page No. 203, 205, 1201, 1217.

- 115 Introduced by Towe: A bill for an act entitled: "An act to revise the requirements for listing unclaimed property; amending Section 67-2211, R.C.M. 1947."

Senate Page No. 59, 290, 307, 329, 333, 356, 716, 878, 879, 883, 899, 999.

House Page No. 454, 456, 921, 940, 966, 1142, 1144, 1245.

- 116 Introduced by Flynn: A bill for an act entitled: "An act to create an alternative procedure for detracting a single piece of land from a fire district and annexing the same to a municipality; amending and clarifying Sections 11-519 and 11-2008, R.C.M. 1947."

Senate Page No. 59, 91, 101, 114, 119, 136, 657, 812, 815, 827, 885.

House Page No. 182, 184, 645, 879, 894, 1059, 1063, 1135.

- 117 Introduced by Lowe, Galt, Dunkle, (By Request of the Department of Fish and Game): A bill for an act entitled: "An act to authorize the Department of Fish and Game to utilize part of those portions of fishing license fees earmarked for purchase of fishing accesses for development, operation, and maintenance; amending 26-234, R.C.M. 1947."

Senate Page No. 59, 304, 330, 344, 353, 387, 657, 827, 833, 845, 885.

House Page No. 476, 483, 833, 879, 895, 1098, 1103, 1135.

- 118 Introduced by McOmber, Watt, Mathers: A bill for an act entitled: "An act to change the first and last meeting date for County Tax Appeal Boards, changing the terms of appointment of County Tax Appeal Board Members, adding a special provision for an extended hearing session, and changing the date for transmitting records from County Tax Appeal Boards to the State Tax Appeal Board; amending Sections 84-601, 84-603, and 84-604, R.C.M. 1947."

Senate Page No. 60, 109, 127, 144, 151, 173, 885, 915, 926, 941, 1127, 1131, 1190.

House Page No. 213, 1053, 1097, 1124, 1214, 1446.

- 119 Introduced by Hazelbaker, Roberts: A bill for an act entitled: "An act to enable peace officers to retain all privileges and immunities from liability, and all pension, insurance, salary, and other benefits to which they are normally entitled when responding to or providing assistance to any other peace officer who has called for assistance and providing guidelines for reimbursement of entities whose employees assist other entities under this act."

1 *Senate* BILL NO. *116*
 2 INTRODUCED BY *Flynn*

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE AN
 5 ALTERNATIVE PROCEDURE FOR DETRACTING A SINGLE PIECE OF LAND
 6 FROM A FIRE DISTRICT AND ANNEXING THE SAME TO A
 7 MUNICIPALITY; AMENDING AND CLARIFYING SECTIONS 11-519 AND
 8 11-2008, R.C.M. 1947."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 11-519, R.C.M. 1947, is amended to
 12 read as follows:

13 "11-519. Standards to be met before annexation can
 14 occur. (1) A municipal governing body may extend the
 15 municipal corporate limits to include any area which meets
 16 the general standards of subsection (2) of this section.

17 (2) The total area to be annexed must meet the
 18 following standards:

19 (a) it must be contiguous to the ~~municipalities~~
 20 ~~municipality's~~ boundaries at the time the annexation
 21 proceeding is begun;

22 (b) no part of the area ~~shall~~ may be included within
 23 the boundary of another incorporated municipality;

24 (c) it must be included within and the proposed
 25 annexation must conform to a comprehensive plan as

1 prescribed in Title 11, chapter 38, R.C.M. 1947; and

2 (d) no part of the area ~~shall~~ may be included within
 3 the boundary, as existing at the inception of such attempted
 4 annexation, of any fire district organized under any of the
 5 provisions of chapter 20, Title 11, ~~R.C.M. 1947, provided~~
 6 ~~that--such~~ if the fire district was originally organized at
 7 least ~~ten--{10}~~ years prior to the inception of such
 8 attempted annexation. ~~However, a single-ownership piece of~~
 9 ~~land may be transferred from a fire district to a~~
 10 ~~municipality by annexation as provided in 11-2008(5).~~

11 (3) In fixing new municipal boundaries, a municipal
 12 governing body shall, wherever practical, use natural
 13 topographic features such as ~~ridge--lines~~ ridgelines and
 14 streams and creeks as boundaries, and if a street is used as
 15 a boundary, include within the municipality land on both
 16 sides of the street; and such outside boundary may not
 17 extend more than ~~two--hundred--{200}~~ feet beyond the
 18 right-of-way of the street."

19 Section 2. Section 11-2008, R.C.M. 1947, is amended to
 20 read as follows:

21 "11-2008. Fire protection -- creation of fire
 22 districts -- contracts with cities, towns, and private
 23 service -- dissolution and change of boundaries. ~~{a}~~ (1) The
 24 board of county commissioners is authorized to establish
 25 fire districts in any unincorporated territory, ~~or town or~~

INTRODUCED BILL

1 village upon presentation of a petition in writing signed by
 2 the owners of ~~fifty-per-cent-(50%)~~ or more of the area of
 3 the privately owned lands included within the proposed
 4 district who constitute a majority of the taxpayers who are
 5 freeholders of such area, and whose names appear upon the
 6 last completed assessment roll; ~~the~~ The board shall, within
 7 ~~ten-(10)~~ days after the receipt of such ~~the~~ petition, give
 8 notice of the hearing thereof at least ~~ten-(10)~~ days prior
 9 ~~thereto to the hearing~~ by mailing a copy of the notice by
 10 first class mail to each freeholder in the district at the
 11 address above shown in the assessment roll, by causing
 12 notices of the time and place of such hearing to be posted
 13 in at least three ~~(3)~~ of the most public places within the
 14 area proposed to be established as a fire district, and
 15 ~~published by publishing the notice~~ at least once not less
 16 than ~~ten-(10)~~ or more than ~~twenty-(20)~~ days prior to the time
 17 of ~~said the~~ hearing in a newspaper regularly published in
 18 the county in which such proposed district is situated. The
 19 board shall proceed to hear the ~~said~~ petition at the time
 20 set ~~therefor~~ or at any time within ~~five-(5)~~ days thereafter
 21 to which the same ~~shall have been~~ is postponed or continued
 22 with due notice, and may grant the same unless it ~~shall be~~
 23 is established thereat that the petition bears insufficient
 24 signatures as above required, or, if originally sufficient,
 25 that by reason of written withdrawals thereof it has become

1 insufficient. The board shall render its decision within
 2 ~~thirty-(30)~~ days after ~~said the~~ hearing. At the time of the
 3 annual levy of taxes the board of county commissioners may
 4 levy a special tax upon all property within such districts
 5 for the purpose of buying or maintaining fire protection
 6 facilities and apparatus for such districts, or for the
 7 purpose of paying to a city, town, or private fire service
 8 the consideration provided for in any contract with the
 9 council of such city, town, or private fire service for the
 10 purpose of furnishing fire protection service to property
 11 within such district, and such tax must be collected as are
 12 other taxes. ~~That the~~ The relationship between fire district
 13 and the city, town, or private fire service shall be that of
 14 an independent contractor.

15 ~~(b)(2)~~ Any fire district organized under this act may
 16 be dissolved by the board of county commissioners upon
 17 presentation of a petition therefor signed by the owners of
 18 ~~fifty-per-cent-(50%)~~ or more of the area of the privately
 19 owned lands included within such fire district and who
 20 constitute a majority of the taxpayers who are freeholders
 21 of such area, and whose names appear upon the last completed
 22 assessment roll. The procedure and requirements outlined in
 23 subsection ~~(a)(1)~~ above shall apply to such requests for
 24 dissolution of fire districts.

25 ~~(c)(3)~~ Change of boundaries -- division. Fire

1 districts may be divided in the following manner: Whenever a
 2 petition in writing shall be made to the county
 3 commissioners, signed by the owners of ~~twenty-per-cent~~
 4 ~~{20%}~~ or more of the privately owned lands of an area
 5 proposed to be detracted from the original district, and who
 6 constitute ~~twenty-per-cent-{20%}~~ or more of the taxpayers
 7 who are freeholders within such proposed detracted area,
 8 whose names appear upon the last completed assessment roll,
 9 the county commissioners shall, within ~~ten--{10}~~ days from
 10 the receipt of such petition, give notice of the hearing of
 11 ~~said the~~ petition by mailing a copy of the notice by first
 12 class mail to each freeholder in the district at the address
 13 shown in the assessment roll, and by causing to be posted, a
 14 notice thereof at least ~~ten--{10}~~ days prior to the time
 15 appointed by them for the consideration of ~~said the~~
 16 petition, in at least three ~~{3}~~ of the most public places
 17 within the proposed detracted area, and also in at least
 18 three ~~{3}~~ of the most public places within the remaining
 19 area. The petition for detraction shall describe the
 20 boundaries of the proposed detracted area, and also the
 21 boundaries of the remaining area. The county commissioners
 22 shall, on the day fixed for hearing such petition (or on any
 23 legally postponed day), proceed to hear ~~said the~~ petition,
 24 and ~~said the~~ petition shall be granted, and the original
 25 districts shall thereupon be divided into separate

1 districts, unless at the time of the hearing on such
 2 petition protests shall be presented by the owners of ~~fifty~~
 3 ~~per-cent-{50%}~~ or more of the area of the privately owned
 4 lands included within the entire original district, and who
 5 constitute a majority of the taxpayers who are freeholders
 6 of the entire original district, and whose names appear upon
 7 the last completed assessment roll. If such required amount
 8 of protests are presented, the petition for division shall
 9 be disallowed. Upon the division of districts, moneys on
 10 hand shall be apportioned between the divided areas
 11 according to their respective taxable valuations; all other
 12 assets of the original district shall become the property of
 13 the remaining area, but a reasonable value shall be placed
 14 upon such "other assets" and the remaining area shall become
 15 indebted to the detracted area for its proportionate share
 16 thereof, based upon taxable valuations. Provided, however,
 17 that any detracted area shall remain liable for any existing
 18 warrant and bonded indebtedness of the original district.

19 ~~{d}{41}~~ (a) Change of boundaries -- annexation.
 20 Adjacent territory that is not already a part of a fire
 21 district may be annexed in the following manner: A petition
 22 in writing by the owners of ~~fifty-per-cent-{50%}~~ or more of
 23 the area of privately owned lands of the adjacent area
 24 proposed to be annexed, and who constitute a majority of the
 25 taxpaying freeholders within such proposed area to be

1 annexed, and whose names appear upon the last completed
 2 assessment roll, shall be presented to the board of county
 3 commissioners. The commissioners shall hold a hearing on
 4 such petition in accordance with the procedure outlined in
 5 subsection ~~(e)~~ (3) above, and shall allow the annexation of
 6 such proposed adjacent territory, unless protests are
 7 presented at the hearing by the owners of fifty-per-cent
 8 ~~(50%)~~ or more of the area of the privately owned lands
 9 included within the original district, and who constitute a
 10 majority of the taxpaying freeholders within the original
 11 district. Such annexed territory shall become liable for any
 12 outstanding warrant and bonded indebtedness of the original
 13 district.

14 (b) Adjacent territory that is already a part of a
 15 fire district may withdraw from such fire district and
 16 become annexed to another fire district in the following
 17 manner: A petition in writing by the owners of fifty-per
 18 cent ~~(50%)~~ or more of the privately owned lands of an area
 19 which is part of any organized fire district, and who
 20 constitute a majority of the taxpaying freeholders within
 21 such area, according to the last completed assessment roll,
 22 shall be presented to the county commissioners asking that
 23 such area be transferred to, and included in, any other
 24 organized fire district to which said area is adjacent. ~~Said~~
 25 The petition must set forth the change of boundaries to be

1 affected by such proposed transfer of area. The
 2 commissioners shall hold a hearing on the petition in
 3 accordance with the procedure outlined in subsection ~~(e)~~ (3),
 4 above, and the withdrawal and annexation shall be allowed
 5 unless protests are presented at the hearing by the owners
 6 of fifty-per-cent ~~(50%)~~ or more of the area of the
 7 privately owned lands included within either district
 8 affected, and who constitute a majority of the taxpaying
 9 freeholders of either district, according to the last
 10 completed assessment roll, and provided, that such the
 11 withdrawals and annexation shall be allowed only upon a
 12 showing of more advantageous proximity and communications
 13 with the fire-fighting firefighting facilities of the other
 14 district.

15 (5) In lieu of the detraction procedure set forth in
 16 subsection (3), whenever a person owns land adjacent to a
 17 city or town and wishes to have that land only annexed to
 18 the city or town, the land may be detracted as follows:

19 (a) The owner shall mail notice to the chairman of the
 20 trustees of the fire district or, if none, to the board of
 21 county commissioners of his intention to request annexation.

22 (b) The owner shall attach a copy of this notice of
 23 intention to his petition to the municipal governing body
 24 requesting annexation.

25 (c) Following adoption of the annexation order under

1 11-521, the land is detracted from the fire district."

-End-

45th

LEGISLATIVE SESSION

COMMITTEE ON LOCAL GOVERNMENT

SENATE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CON- CURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CON- CURRED IN DATE
23	1-3-77	1-7-77	1-8-77			1-7-77			
64	1-10-77	1-14-77	1-14-77			1-14-77			
113	1-17-77	1-21-77	1-21-77			1-21-77			
116	1-17-77	1-21-77	1-21-77	1-21-77					
164	1-20-77	1-26-77	2-23-77		2-23-77				
175	1-21-77	1-26-77	2-24-77			2-24-77			
192	1-21-77	1-28-77	1-31-77			1-28-77			
195	1-21-77	1-28-77	2-9-77			2-8-77			
198	1-21-77	2-7-77	2-17-77			2-16-77			
199	1-22-77	2-2-77	2-3-77			2-3-77			
200	1-22-77	2-9-77	2-23-77			2-22-77			
224	1-22-77	1-31-77	2-4-77			2-4-77			
225	1-22-77	1-31-77	2-4-77			2-4-77			
226	1-22-77	2-4-77	2-18-77			2-16-77			
227	1-22-77	2-4-77	2-4-77	2-4-77					
232	1-24-77	2-2-77	2-3-77			2-3-77			
267	1-25-77	2-10-77	2-16-77		2-16-77				

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

January 21, 1977

The meeting of the Local Government Committee was called to order by Chairman McCallum on January 21, 1977 at 9:30 A.M. in Room 410 of the State Capitol Building.

ROLL CALL: All members were present.

The following visitors were present: Senator Flynn, Senator Dover, Patsie Thomas and Cathy Koon.

CONSIDERATION OF SENATE BILL 113: Senator Dover, sponsor of Senate Bill 113, gave a brief resume of the bill.

Senator Peterson moved the following amendment to Senate Bill 113:

1. Amend page 2, section 1, line 1.
Following: "sold"
Insert: "and"

Senator Story seconded the motion. The motion carried.

Senator Story moved Senate Bill 113 be given an "And As So Amended, Do Pass" recommendation. Senator Thomas seconded the motion. A roll call vote was called by the Chairman (attached). The motion carried.

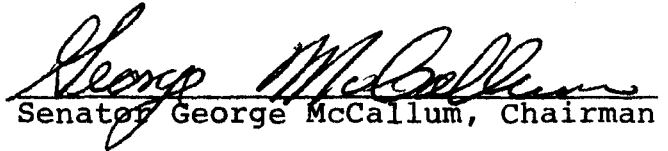
CONSIDERATION OF SENATE BILL 116: Senator Flynn, sponsor of Senate Bill 116, gave a brief resume of the bill. Senator Story wanted to know if this bill would affect everyone's taxes. Senator Flynn stated this bill specifies only an individual who is joining the city.

Senator Peterson moved that Senate Bill 116 be given a "Do Pass" recommendation. Senator Watt seconded the motion. A roll call vote was called by the Chairman (attached). The motion carried.

Chairman McCallum discussed the agenda for the joint public hearing on House Bill 122 on January 22 with committee members.

David Wanzenried, State Commission on Local Government, was present to explain House Bill 122 to the committee and to answer any questions.

ADJOURN: The meeting adjourned at 10:40 A.M. with the next meeting to be Monday, January 24, 9:30 A.M. to consider House Bill 2.


Senator George McCallum, Chairman

mm

LOCAL GOVERNMENT COMMITTEE

Date 1-21-77

[illegible]

SENATE LOCAL GOVERNMENT COMMITTEE

BILL

VISITORS' REGISTER

DATE _____

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

SENATE COMMITTEE LOCAL GOVERNMENT

Date Jan 21, 1977 Bill No. 116 Time 10:00

NAME	YES	NO
George McCallum, Chairman	✓	
Robert Watt, Vice Chairman	✓	
Pete Story		
Frank Dunkle		
Lloyd Lockrem	✓	
Bob Peterson	✓	
Cornie Thiessen		
Bill Thomas	✓	

Mary Miller
Secretary

George M. Callum
Chairman

Motion: Do Pass

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

January 21 19 77

MR. President

We, your committee on Local Government

having had under consideration Senate Bill No. 116

Respectfully report as follows: That Senate Bill No. 116

DO PASS

LOCAL GOVERNMENT COMMITTEE

45th Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
HB 439	"An Act to Amend Section 11-1846, R.C.M. 1947, to Provide Annuan Cost-of-Living Increases to Police Retirees and Survivor....."	1-24-77	Mular	2-7-77	DO NOT PASS	2-8-77
HB 440	"An Act to Amend Section 11-1832, R.C.M. 1947, to Increase Longevity Pay for Police and Eliminate the 20-Year Limit."	1-24-77	Mular	2-7-77	DO NOT PASS	2-8-77
HB 459	"An Act to Increase the Maximum Pension That may be Paid to a Retired Volunteer Fireman by a Fire Department Relief Association....."	1-24-77	Hurwitz	2-7-77	DO PASS	2-8-77
HB 521	"An Act to Establish the Montana State-Local Revenue Sharing Program; To Provide For the Allocation of Moneys to Municipalities and Counties; to Provide....."	1-25-77	Bradley	2-9-77	DO PASS	2-12-77
HB 537	"An Act to Provide in the Alternative Forms of Local Government for the Election of Municipal Commissioners by a Plan Involving Election at Large and Nomination...."	1-26-77	South	2-9-77	DO PASS	2-12-77
SB 116	"An Act to Create an Alternative Procedure for Detracting a Single Piece of Land From a Fire District and Annexing the Same....."	1-28-77	Flynn	2-23-77	CONCURRED IN	2-23-77

February 23, 1977

A meeting of the Local Government Committee was called to order by Chairman Robbins at 11:00 AM in Room 437. The secretary called roll: All members were present.

SENATE BILL 23: Senator Watt, chief sponsor, said this bill has to do with closing of streets, roads, and alleys. After this bill went through the Senate Local Government Committee and Judiciary Committee, they had struck everything after the enacting clause and inserted new Section 1. This is not originally what he wanted, but will agree to. You can now charge the petitioning property owner for the costs of discontinuation of streets, roads and alleys.

Dan Mizner, representing the Montana League of Cities and Towns, said they support this bill.

There were no opponents.

Senator Watt closed on Senate Bill 23.

SENATE BILL 91: Senator Lockrem, chief sponsor, said this is an act to amend Sections 6-501 and 82-1133, R.C.M. relating to bid security on public contracts. It was found that the bid security used by the Board of Examiners was not in compliance with the law. The Board of Examiners allowed for 10% of bid and this changes the law from 5% to 10%.

John W. Northey, attorney with the Legislative Auditor, said this is housekeeping legislation. A number of years ago the Board of Examiners required a 10% bid security, but the law stated 5%, so the present procedure is now in compliance. This also expands the type of security that could be used.

There were no opponents.

Senator Lockrem closed on Senate Bill 91.

SENATE BILL 116: Senator Flynn, sponsor, said this is a simple bill and how it came about is we have a new traffic route that goes across the edge of the city limits. It is zoned and is starting to sell. The problem is they want to hook onto city disposal system and to do that they have to petition out of rural fire district. This bill just simplifies the procedure for those people.

Proponents to speak were:

R. A. Ellis, representing the Montana Volunteer Firemen's Association, rose in support of Senate Bill 116.

Al Sampson, representing the Montana State Firefighter's Association, is in support.

Dave Fisher, representing the Montana Volunteer Firemen's Association, in support.

SENATE BILL 116; continued

Dan Mizner, representing the Montana League of Cities and Towns, supports this bill.

There were no opponents.

Senator Flynn closed on Senate Bill 116.

The committee went into executive session for the purpose of taking action on the following bills:

HOUSE BILL 433: Representative Palmer moved to DO PASS House Bill 433. Representative Ramirez made a substitute motion that House Bill 433 DO NOT PASS. Representative Colburn made a substitute motion to all motions pending that House Bill 433 BE TABLED. Representative Palmer said I have not decided if he would bring out on adverse committee report. Waldron - I have not voted to table a bill where the sponsor has not requested it. Colburn - the bill is complex - he would like to ask sponsor to propose some amendments. Palmer - I have not decided what to do and don't know if amendments would fix it up. He would like the prerogative to do some checking. South - would speak against the motion - he is not in favor of tabling so the sponsor could not do something with the bill. Question on the substitute motion to all motions pending to table. Roll call vote was taken, 17 voted NO and 1 voted YES. Motion failed. Representative Colburn voted YES. After discussion by committee, question was called on substitute motion that House Bill 433 DO NOT PASS. Roll call vote was taken: 16 voted YES and 2 voted NO. Representatives Palmer and Waldron voted NO. Motion carried.

HOUSE BILL 789: Representative Waldron said he didn't prepare any amendments. It is left up to local government to decide where areas need developing. There is a lot of area not being developed but should be. Representative Waldron made a motion that House Bill 789 DO PASS. Representative O'Connell made a substitute motion that House Bill 789 DO NOT PASS. Question, roll call vote was taken: 14 voted YES and 4 voted NO. Motion carried. Representatives Palmer, South, Waldron, and Robbins voted NO.

HOUSE BILL 294: Amendments to House Bill 294 (exhibit 1) were passed out to the committee. This is to amend the same as in House Bill 122.

SENATE BILL 23: Representative Gould moved that Senate Bill 23 DO PASS. Question, motion carried. Representative Ramirez voted NO. Representative Waldron is to carry Senate Bill 23 on the floor of the House.

SENATE BILL 91: Representative South moved that Senate Bill 91 DO PASS. Question, motion carried. Representative South will carry Senate Bill 91 on floor of House.

February 23, 1977

Page 3

SENATE BILL 116: Representative Gould moved that Senate Bill 116 DO PASS. Question, motion carried. Representative Gould will carry Senate Bill 116 on floor of House.

Chairman Robbins thanked the committee for their help and work they have done on House Bill 122.

The meeting adjourned at 11:45 AM.

Respectfully submitted,


HERSHEL M. ROBBINS, Chairman

yb

SENATE BILL NO. 116

INTRODUCED BY FLYNN

A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE AN ALTERNATIVE PROCEDURE FOR DETRACTING A SINGLE PIECE OF LAND FROM A FIRE DISTRICT AND ANNEXING THE SAME TO A MUNICIPALITY; AMENDING AND CLARIFYING SECTIONS 11-519 AND 11-2008, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 11-519, R.C.M. 1947, is amended to read as follows:

"11-519. Standards to be met before annexation can occur. (1) A municipal governing body may extend the municipal corporate limits to include any area which meets the general standards of subsection (2) of this section.

(2) The total area to be annexed must meet the following standards:

(a) it must be contiguous to the ~~municipalities~~ municipality's boundaries at the time the annexation proceeding is begun;

(b) no part of the area ~~shall~~ may be included within the boundary of another incorporated municipality;

(c) it must be included within and the proposed annexation must conform to a comprehensive plan as

prescribed in Title 11, chapter 38, R.C.M. 1947; and

(3) no part of the area ~~shall~~ may be included within the boundary, as existing at the inception of such attempted annexation, of any fire district organized under any of the provisions of chapter 20, Title 11, ~~R.C.M. 1947~~ provided that--such if the fire district was originally organized at least ten--{10} years prior to the inception of such attempted annexation. However, a single-ownership piece of land may be transferred from a fire district to a municipality by annexation as provided in 11-2008(5).

(3) In fixing new municipal boundaries, a municipal governing body shall, wherever practical, use natural topographic features such as ~~ridge--lines~~ ridgelines and streams and creeks as boundaries, and if a street is used as a boundary, include within the municipality land on both sides of the street; and such outside boundary may not extend more than ~~two--hundred--{200}~~ feet beyond the right-of-way of the street."

Section 2. Section 11-2008, R.C.M. 1947, is amended to read as follows:

"11-2008. Fire protection -- creation of fire districts -- contracts with cities, towns, and private service -- dissolution and change of boundaries. {a}{1} The board of county commissioners is authorized to establish fire districts in any unincorporated territory ~~or town or~~

1 ~~villase~~ upon presentation of a petition in writing signed by
 2 the owners of ~~fifty-per-cent-(50%)~~ or more of the area of
 3 the privately owned lands included within the proposed
 4 district who constitute a majority of the taxpayers who are
 5 freeholders of such area~~y~~ and whose names appear upon the
 6 last completed assessment roll~~ts~~; ~~the~~ the board shall~~;~~ within
 7 ~~ten-(10)~~ days after the receipt of such ~~the~~ petition~~ts~~, give
 8 notice of the hearing thereof at least ~~ten-(10)~~ days prior
 9 ~~thereto to the hearing~~ by mailing a copy of the notice by
 10 first class mail to each freeholder in the district at the
 11 address ~~above~~ shown in the assessment roll, by causing
 12 notices of the time and place of such hearing to be posted
 13 in at least three ~~(3)~~ of the most public places within the
 14 area proposed to be established as a fire district, and
 15 ~~published by publishing the notice~~ at least once not less
 16 than ~~ten-(10)~~ or more than ~~twenty-(20)~~ days prior to the time
 17 of ~~said the~~ hearing in a newspaper regularly published in
 18 the county in which such proposed district is situated. The
 19 board shall proceed to hear the ~~said~~ petition at the time
 20 set ~~therefor~~ or at any time within ~~five-(5)~~ days thereafter
 21 to which the same ~~shall have been~~ is postponed or continued
 22 with due notice~~y~~ and may grant the same unless it ~~shall be~~
 23 is established thereat that the petition bears insufficient
 24 signatures as above required~~y~~ or, if originally sufficient,
 25 that by reason of written withdrawals thereof it has become

1 insufficient. The board shall render its decision within
 2 ~~thirty-(30)~~ days after ~~said the~~ hearing. At the time of the
 3 annual levy of taxes the board of county commissioners may
 4 levy a special tax upon all property within such districts
 5 for the purpose of buying or maintaining fire protection
 6 facilities and apparatus for such district~~s~~, or for the
 7 purpose of paying to a city, town~~s~~ or private fire service
 8 the consideration provided for in any contract with the
 9 council of such city, town~~s~~ or private fire service for the
 10 purpose of furnishing fire protection service to property
 11 within such district, and such tax must be collected as are
 12 other taxes. ~~that the~~ the relationship between fire district
 13 and the city, town~~s~~ or private fire service shall be that of
 14 an independent contractor.

15 ~~(e)(2)~~ Any fire district organized under this act may
 16 be dissolved by the board of county commissioners upon
 17 presentation of a petition therefor signed by the owners of
 18 ~~fifty-per-cent-(50%)~~ or more of the area of the privately
 19 owned lands included within such fire district and who
 20 constitute a majority of the taxpayers who are freeholders
 21 of such area~~y~~ and whose names appear upon the last completed
 22 assessment roll. The procedure and requirements outlined in
 23 subsection ~~(e)(1)~~ above shall apply to such requests for
 24 dissolution of fire districts.

25 ~~(e)(3)~~ Change of boundaries -- division. Fire

1 districts may be divided in the following manner: Whenever a
 2 petition in writing shall be made, to the county
 3 commissioners, signed by the owners of ~~twenty-per-cent~~
 4 ~~{20%}~~ or more of the privately owned lands of an area
 5 proposed to be detracted from the original district, ~~and who~~
 6 constitute ~~twenty-per-cent-{20%}~~ or more of the taxpayers
 7 who are freeholders within such proposed detracted area,
 8 whose names appear upon the last completed assessment roll,
 9 the county commissioners shall, within ~~ten--{10}~~ days from
 10 the receipt of such petition, give notice of the hearing of
 11 ~~said the~~ petition by mailing a copy of the notice by first
 12 class mail to each freeholder in the district at the address
 13 shown in the assessment roll, ~~and~~ by causing to be posted, a
 14 notice thereof at least ~~ten--{10}~~ days prior to the time
 15 appointed by them for the consideration of ~~said the~~
 16 petition, in at least three ~~{3}~~ of the most public places
 17 within the proposed detracted area, and also in at least
 18 three ~~{3}~~ of the most public places within the remaining
 19 area. The petition for detraction shall describe the
 20 boundaries of the proposed detracted area, and ~~also~~ the
 21 boundaries of the remaining area. The county commissioners
 22 shall, on the day fixed for hearing such petition (or on any
 23 legally postponed day), proceed to hear ~~said the~~ petition,
 24 ~~and-said the~~ petition shall be granted, and the original
 25 districts shall thereupon be divided into separate

1 districts, unless at the time of the hearing on such
 2 petition protests shall be presented by the owners of ~~fifty~~
 3 ~~per-cent-{50%}~~ or more of the area of the privately owned
 4 lands included within the entire original district, ~~and who~~
 5 constitute a majority of the taxpayers who are freeholders
 6 of the entire original district, and whose names appear upon
 7 the last completed assessment roll. If such required amount
 8 of protests are presented, the petition for division shall
 9 be disallowed. Upon the division of districts, moneys on
 10 hand shall be apportioned between the divided areas
 11 according to their respective taxable valuations; all other
 12 assets of the original district shall become the property of
 13 the remaining area, but a reasonable value shall be placed
 14 upon such "other assets" and the remaining area shall become
 15 indebted to the detracted area for its proportionate share
 16 thereof, based upon taxable valuations. Provided, however,
 17 that any detracted area shall remain liable for any existing
 18 warrant and bonded indebtedness of the original district.

19 ~~fd}{4}{a}~~ Change of boundaries -- annexation.
 20 Adjacent territory that is not already a part of a fire
 21 district may be annexed in the following manner: A petition
 22 in writing by the owners of ~~fifty-per-cent-{50%}~~ or more of
 23 the area of privately owned lands of the adjacent area
 24 proposed to be annexed, ~~and who~~ constitute a majority of the
 25 taxpaying freeholders within such proposed area to be

1 annexed, and whose names appear upon the last completed
 2 assessment roll, shall be presented to the board of county
 3 commissioners. The commissioners shall hold a hearing on
 4 such petition in accordance with the procedure outlined in
 5 subsection ~~(c)(3)~~ above, and shall allow the annexation of
 6 such proposed adjacent territory unless protests are
 7 presented at the hearing by the owners of ~~fifty-per-cent~~
 8 ~~(50%)~~ or more of the area of the privately owned lands
 9 included within the original district, and who constitute a
 10 majority of the taxpaying freeholders within the original
 11 district. Such annexed territory shall become liable for any
 12 outstanding warrant and bonded indebtedness of the original
 13 district.

14 (b) Adjacent territory that is already a part of a
 15 fire district may withdraw from such fire district and
 16 become annexed to another fire district in the following
 17 manner: A petition in writing by the owners of ~~fifty-per~~
 18 ~~cent-(50%)~~ or more of the privately owned lands of an area
 19 which is part of any organized fire district, and who
 20 constitute a majority of the taxpaying freeholders within
 21 such area, according to the last completed assessment roll,
 22 shall be presented to the county commissioners asking that
 23 such area be transferred to, and included in, any other
 24 organized fire district to which said area is adjacent. ~~Said~~
 25 ~~The~~ petition must set forth the change of boundaries to be

1 affected by such proposed transfer of area. The
 2 commissioners shall hold a hearing on the petition in
 3 accordance with the procedure outlined in subsection ~~(c)(3)~~
 4 above, and the withdrawal and annexation shall be allowed
 5 unless protests are presented at the hearing by the owners
 6 of ~~fifty-per-cent-(50%)~~ or more of the area of the
 7 privately owned lands included within either district
 8 affected, and who constitute a majority of the taxpaying
 9 freeholders of either district, according to the last
 10 completed assessment roll, and, ~~provided, that such the~~
 11 withdrawals and annexation shall be allowed only upon a
 12 showing of more advantageous proximity and communications
 13 with the ~~fire-fighting~~ firefighting facilities of the other
 14 district.

15 (5) In lieu of the detraction procedure set forth in
 16 subsection (3), whenever a person owns land adjacent to a
 17 city or town and wishes to have that land only annexed to
 18 the city or town, the land may be detracted as follows:

19 (a) The owner shall mail notice to the chairman of the
 20 trustees of the fire district or, if none, to the board of
 21 county commissioners of his intention to request annexation.

22 (b) The owner shall attach a copy of this notice of
 23 intention to his petition to the municipal governing body
 24 requesting annexation.

25 (c) Following adoption of the annexation order under

SB 0116/02

1 11-221, the land is detracted from the fire district."

-End-